

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 08-1028(DSD/JSM)

Steven E. Rousseau,

Plaintiff,

v.

ORDER

M.D. Jennifer Service,
Medical Director,
Carmen Casteneda (Supervisor)
Henn. Cty.,

Defendants.

This matter is before the court upon plaintiff Steven E. Rousseau's objections to the report and recommendation of Magistrate Judge Janie S. Mayeron dated April 17, 2008. In her report, the magistrate judge recommended that plaintiff's application to proceed without prepayment of fees be denied and the action summarily dismissed.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Plaintiff objects to the magistrate judge's conclusions that he failed to plead an Eighth Amendment violation and thus an actionable 42 U.S.C. § 1983 claim by attempting to submit an amended complaint. Even if liberally construing the amended complaint as an effort to address the report and recommendation, the court finds that plaintiff has failed to provide any legal authority to remedy the fatal flaws in his action. The magistrate judge's report and

recommendation is well reasoned and correctly disposes of plaintiff's motion and the case, and for these reasons, the court adopts the report and recommendation [Doc. No. 3] in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's action is summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

2. Plaintiff's application to proceed in forma pauperis [Doc. No. 2] is denied.

3. In light of plaintiff's recent litigation history, the Clerk of Court for the District of Minnesota is directed to refuse for filing any pleadings for a new lawsuit submitted by plaintiff unless the pleadings bear the signature of a duly admitted officer of the court or plaintiff has applied for and received the prior consent of a United States magistrate judge.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 13, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court